

REMARKS

This response is submitted in reply to the Office Action mailed on November 17, 2005. Claims 1-41 are pending in the patent application. Claims 17-41 were previously withdrawn. Claims 1, 2, 5, 13 and 15 have been amended. Claim 4 has been cancelled without prejudice or disclaimer. New claim 42 has been added. No new matter has been added by this response.

Claims 2, 5-7 and 9-14 were rejected under 35 U.S.C. §112, second paragraph. Specifically, the Patent Office states that the phrase “those positions” in claim 2 is unclear. The Patent Office also states that the terms “the wheel” in claims 5 and 6 is unclear. Applicants have amended these claims to clarify these claims and overcome the rejections.

The Patent Office also states that claim 13 recites a “ring-type” connector. Applicants have amended claim 13 to remove the term “ring-type.”

Claims 1-4, 8 and 15-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,885,048 to Barth (“*Barth*”). Applicants respectfully disagree with and traverse this rejection.

Amended claim 1 is directed to a brake system to a vehicle having a plurality of wheels and a frame where the brake system includes a mechanically actuated braking assembly operably coupled with at least one of the wheels and being operable between braking and non-braking conditions. The system includes a handle operably coupled to a braking assembly via an actuating mechanism responsive to movement of the handle from either the first and second positions for actuating the braking assembly into the non-braking condition. As amended, the actuating mechanism of claim 1 includes a pin coupled to the braking assembly and a cam plate coupled to the handle, wherein the cam plate includes a camming structure having an arcuate cam path and a retaining structure. The pin moves along the arcuate cam path as the handle moves between the first and second positions. The retaining structure is adapted to releasably

retain the pin when the brake assembly is in the non-braking condition. *Barth* does not disclose, teach or suggest the subject matter of amended claim 1.

Barth is directed to a powered cart for moving heavy objects which includes a braking system. The braking system is actuated or activated when control arm 22 is pivoted to an upward or downward position. (See Fig. 3; Col. 3, lines 26-38). *Barth* does not disclose, teach or suggest a handle or an actuating mechanism including a pin and a cam plate coupled to the pin, wherein the cam plate includes a camming structure having a arcuate cam path and a retaining structure and where the pin is movable along the arcuate cam path as the handle moves between the first and second positions. *Barth* also does not disclose or suggest a retaining structure adapted to releasably retain the pin when the brake assembly is in the non-braking condition as in the claimed invention.

For at least these reasons, Applicants respectfully submit that amended claim 1 and claims 2-14, which depend from amended claim 1, are each patentably distinguished over *Barth*.

Amended claim 15 includes similar elements to amended claim 1. Therefore, Applicants respectfully submit that amended claim 15 and claim 16, which depends from amended claim 15, are each patentably distinguished over *Barth* for the reasons provided above.

Claims 1-5, 8 and 15-16 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,651,379 to Elliott ("*Elliott*"). Applicants respectfully disagree with and traverse this rejection.

Elliott is directed to a brake mechanism and handle for hand trucks. *Elliott* describes a linkage system which activates a brake when the handle is in either a substantially vertical position or in a substantially horizontal position. (Col. 1, lines 25-35). *Elliott* does not disclose, teach or suggest an actuating system for actuating the brakes which includes a cam plate coupled

to a pin connected to the braking assembly. Elliot also does not disclose or suggest a cam plate having a camming structure including an arcuate cam path and a retaining structure where the pin moves along the arcuate cam path when the handle moves between the first and second positions and where the pin is releasably retained by the retaining structure when the brake assembly is in the non-braking condition.

For these reasons, Applicants submit that *Elliot* does not disclose, teach or suggest the subject matter of amended claim 1. Therefore, Applicants respectfully submit that amended claims 1 and 15, and claims 2-14 and 16, which depend from these claims, are patentably distinguished over *Elliot* and in condition for allowance.

Claims 6-7 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Barth* in view of U.S. Patent No. 6,286,361 to Kimble ("*Kimble*"). Applicants respectfully disagree with and traverse this rejection.

Barth discloses a conventional brake system but does not provide details. The Patent Office therefore relies on *Kimble* to teach a disk brake assembly including a lever and a cable structure for a work vehicle. Neither *Barth* nor *Kimble*, however, disclose, teach or suggest a handle for a work vehicle coupled to a cam plate having an arcuate cam path and a retaining structure, wherein a pin is coupled to the braking system and movable along the arcuate cam path when the handle is moved between the first and second positions and the retaining structure releasably retains the handle in the non-braking condition. Applicants respectfully submit that claims 6-7 and 9 are each patentably distinguished over the combination of *Barth* and *Kimble* and in condition for allowance.

Claims 10-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Barth* and *Kimble* and further in view of U.S. Patent No. 1,632,175 to Coultas (“*Coultas*”). Applicants respectfully disagree with and traverse this rejection.

Coultas is combined with *Barth* and *Kimble* to provide the biasing structure of the claimed invention. As stated above, the combination of *Barth* and *Kimble* does not disclose, teach or suggest the claimed invention. *Coultas* does not remedy the deficiencies of *Barth* and *Kimble* and specifically, does not disclose or suggest a pin coupled to the braking assembly wherein the pin is coupled to a cam plate, and wherein the cam plate includes a camming structure having an arcuate cam path and a retaining structure. The combination of *Barth*, *Kimble* and *Coultas* also does not disclose or suggest a pin coupled to a braking assembly which is movable along the arcuate cam path when the handle is moved between the first and second positions and wherein the retaining structure releasably retains the pin in the non-braked condition.

For at least these reasons, Applicants submit that claims 10-14 are each patentably distinguished over the combination of *Barth*, *Kimble*, and *Coultas* and in condition for allowance.

Claim 3 has been amended to include the elements of claim 4. Claim 4 has been cancelled. Claim 3 depends from claim 1 and therefore Applicants submit that amended claim 3 is patentably distinguished over the cited art for the same reasons provided above for amended claim 1.

Additionally, new claim 42 depends from amended claim 1. Therefore, Applicants submit that new claim 42 is patentably distinguished over the cited art for the same reasons provided above for amended claim 1.

In light of the above, Applicants submit that claims 1-3, 5-16, as amended, and new claim 42 are patentable over the art of record because the cited art does not disclose, teach or suggest the subject matter of the claimed invention. Accordingly, Applicants respectfully request that claims 1-3, 5-16 and new claim 42 be deemed allowable at this time and that a timely Notice of Allowance be issued in this case.

No fees are due. If any other fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such a withdrawal is made, please indicate the attorney docket number (37787-459090) on the account statement.

Respectfully submitted,

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